

LEGAL NOTICE  
Notice of Proposed Rulemaking  
Public Hearing

Notice is hereby given of proposed rulemaking and public hearing by the Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division (HIOSH), to Parts 1 and 2 of Title 12, Subtitle 8, Hawaii Administrative Rules (HAR), pursuant to the Hawaii Occupational Safety and Health Law, Section 396-4, Hawaii Revised Statutes (HRS), and the Hawaii Administrative Procedure Act, Chapter 91, HRS.

The public hearing will consider amendments to chapter 12-52.1 general, legal and administrative provisions, and chapters 12-64.1, 12-74.1, 12-80.1, 12-92.1, 12-97.1, general industry standards, and 12-127.1, construction standards.

The purpose of these amendments is to develop safety and health standards that meet or exceed Federal Occupational Safety and Health Administration (OSHA) standards in providing safe and healthful work places for Hawaii's workers.

The proposed amendments include:

1. Chapter 12-52.1, Recording and Reporting Occupational Injuries and Illnesses.  
This chapter is being amended to delete 29 CFR 1904.12, Recording criteria for cases involving work-related musculoskeletal disorders, because OSHA has concluded that a column to record work-related musculoskeletal disorders (MSD) is not necessary. The deletion of 29 CFR 1904.12 will eliminate the need for employers to check the column for an MSD but will not relieve them from recording all cases that meet the requirements of 29 CFR 1904.4 through 1904.7.
2. Chapter 12-64.1, Personal Protective Equipment. This chapter is being amended to reflect the federal change of deleting section 29 CFR 1910.139, Respiratory protection for M. tuberculosis, and allowing the use of the respiratory protection standard, section 29 CFR 1910.134, Respiratory protection, to apply. OSHA originally kept the old respiratory protection standard and renamed it 29 CFR 1910.139, Respiratory protection for M. tuberculosis, in anticipation of a specific

standard for tuberculosis. The respiratory protection standard for M. tuberculosis is being deleted because OSHA is no longer pursuing a tuberculosis standard.

3. Chapter 12-74.1, Hazardous Materials. This chapter is being amended to correct a reference to Table H-2 found in 29 CFR 1910.103(b)(2)(ii)(c) for Hydrogen.
4. Chapter 12-80.1, Machinery and Machine Guarding. This chapter is being amended to delete two references to Table O-12 in 29 CFR 1910.219 that no longer exist, and to correct typographical errors in the standard.
5. Chapter 12-92.1, Telecommunications. This chapter is being amended to correct 29 CFR 1910.268(f)(3), which references 29 CFR 1910.268(f)(5) which no longer exist and should instead reference 29 CFR 1910.268(f)(2).
6. Chapter 12-97.1, Commercial Diving Operations. This chapter is being amended to reflect the federal incorporation of a variance that OSHA granted in 1999 to Dixie Divers, Inc. of Florida. The amendment does not require a decompression chamber near the dive site for mixed gas diving operations at a maximum depth of 130 feet sea water and for periods of 30 minutes to one hour.
7. Chapter 12-127.1, Tools-Hand and Power. This chapter is being amended to delete two references in 29 CFR 1926.307 to Table O-12 that no longer exist.

A copy of the proposed rule changes will be made available for public viewing from the first working day that the legal notice appears in the Honolulu Star-Bulletin, The Honolulu Advertiser, Hawaii Tribune-Herald, West Hawaii Today, The Maui News, and The Garden Island, through the day the public hearing is held, from Monday - Friday between the hours of 1:00 p.m. - 4:00 p.m., at the following locations: 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813; 75 Aupuni Street, Hilo, Hawaii 96720; 2264 Aupuni Street, Wailuku, Hawaii 96793; and 3060 Eiwa Street, Lihue, Hawaii 96766. A copy of the proposed rules may be obtained for a prepaid fee plus postage or viewed at our website at: **<http://hiosh.hawaii.gov>**.

Interested persons may present, at the public hearing, any written or oral data, views, arguments, comments, and objections concerning the proposals at:

HONOLULU, OAHU

April 1, 2005; 1:00 p.m.

Keelikolani Building

830 Punchbowl Street

Room 427

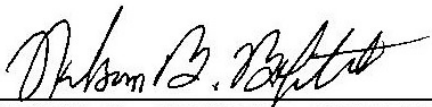
Honolulu, Hawaii 96813

All submissions for the record must be received prior to the scheduled public hearing. The public hearing will be continued, if necessary, to a time, date, and place announced at the scheduled hearing.

Interested persons may submit written data, views, arguments, comments, and objections concerning the proposals to the Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813. All submissions for the record must be received at or prior to the scheduled public hearing.

Auxiliary aids and services are available upon request. Call the Administration and Technical Support Branch at (808) 586-9086 (voice), (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

Dated: March 1, 2005



NELSON B. BEFTEL, DIRECTOR  
Department of Labor and  
Industrial Relations